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Application Number

09/628,831

Confirmation Number

5162

Filing Date

07/31/2000

First Named Inventor

Michael K. Hargens

Art Unit

2143

Examiner Name

Alina A. Boutah

Total Number of Pages in This Submission

18

Attorney Docket Number

1320

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ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks It is believed that no additional fees are due in this matter. However, if it is determined that additional fees are due, the Commissioner is authorized to debit Deposit Account No. 210765 for the required fees.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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Kyle J. Way

Date

10/6/2005

Reg. No.

45,549

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO, fax number (571) 273-8300, addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Jamie Cameron

Date

10/6/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEES TRANSMITTAL for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,000)

Complete If Known

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OCT 06 2005

Application Number	09/628,831
Confirmation No.	5182
Filing Date	07/31/2000
First Named Inventor	Michael K. Hargens
Examiner Name	Alina A. Boutah
Art Unit	2143
Attorney Docket No.	1320

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify) :

Deposit Account Deposit Account Number: 210765 Deposit Account Name: Sprint Communications Company L.P.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

Under 37 CFR 1.16 and 1.17
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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fees Paid (\$)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity

Fee (\$) Fee (\$)

50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

Multiple Dependent Claims

Fee (\$) Fee Paid (\$)

-20 or HP= _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 3 or HP= _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

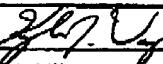
Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Notice of Appeal and Appeal Brief

Fee Paid (\$)

1,000

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	45,549	Telephone	(303) 938-5999 x 21
Name (Print/Type)	Kyle J. Way			Date	10/6/2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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OCT 06 2005

Docket No. 1320

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Michael K. Hargens et al.
Serial No.: 09/628,831
Filing Date: 7/31/2000
Title: DYNAMICALLY PROVIDING COMMUNICATION ACCOUNTS
USING A COMMUNICATION ACCOUNT SYSTEM

Confirmation No: 5162
Examiner: Alina N. Boutah
Group Art Unit: 2143

Mailstop: Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Introductory Comments

Pursuant to the provisions of 37 C.F.R. § 41.30 *et seq.*, the Assignee hereby appeals to the Board of Patent Appeals and Interferences (hereinafter "the Board") from the claim rejections issued in the final Office action dated July 14, 2005. A notice of appeal was filed on the same day as this appeal brief.

Real Party In Interest

The entire interest of Michael K. Hargens in the present application has been assigned to Sprint Communications Company, L.P. (hereinafter "the Assignee"), as recorded at Reel 011717, Frame 0844.

Related Appeals and Interferences

There are no prior or pending related appeals or interferences.

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Status of Claims

Claims 100-119 are pending in the application.

Claims 100-119 have been finally rejected.

Claims 100-119 are being appealed.

Status of Amendments

No amendments have been filed subsequent to the final rejections.

Summary of Claimed Subject Matter

Independent claim 1 sets forth a method of providing communication accounts to end-users 104, 105 from a plurality of web-sites 301, 302. (Please see Figs. 3 and 4.) In a first one of the web-sites 301, a first end-user 104 interacts with the first web-site 301 over the Internet (e.g., Web 304). (Page 7, lines 13-15; steps 401 and 402 of Fig. 4.) In response to this interaction, the first web-site 301 transfers a first communication account request over the Internet to an account server 300. (Page 7, lines 15-17; step 403 of Fig. 4.) The account server 300 validates the first web-site 301 in response to receiving the first communication account request (page 7, lines 17-19; step 404 of Fig. 4), selects a first account code for the first end-user 104 in response to the validation (page 7, lines 21-23; step 405 of Fig. 4), and transfers the first account code over the Internet to the first web-site 301 (page 8, lines 27-29; step 406 of Fig. 4), which, in turn, transfers the first account code over the Internet to the first end-user 104 (page 8, lines 29 and 30; step 407 of Fig. 4). The first end-user 104 then uses the first account code to obtain a first communication service from a communication service provider. (Page 5, lines 12-21.) Similar interaction among a second end-user 105, a second web-site 302, and the account server 300 results in a second account code being transferred to the second end-user 105. The second end-user 105 then uses the second account code to obtain a second communication service from the communication service provider.

Independent claim 110 presents a system similar to that shown in Fig. 3 to

provide communication accounts to end-users. The system includes first and second web-sites 301, 302 and an account server 300 interacting via the Internet, shown in part via the Web 304. (Page 6, line 21, to page 7, line 6.) The first and second web-sites 301, 302 are configured to interact with first and second end-users 104, 105, respectively, over the Internet. (Page 7, lines 13-15.) In response, the first and second web-sites 301, 302 generate first and second communication account requests to the account server 300, which is configured to validate the web-sites 301, 302. (Page 7, lines 15-19.) In response to this validation, the account server 300 selects and transfers a first account code for the first end-user 104 to the first web-site 301, and selects and transfers a second account code for the second end-user 105 to the second web-site 302. (Page 7, lines 21-23, and page 8, lines 27-29.) The first and second web-sites 301, 302 are further configured to transfer the first and second account codes, respectively, to the first and second end-users 104, 105 over the Internet. (Page 8, lines 29 and 30.) The first end-user 104 uses the first account code to obtain a first communication service from a communication service provider, and the second end-user 105 users the second account code to obtain a second communication service from the communication service provider. (Page 5, lines 12-21.)

Grounds of Rejection to Be Reviewed on Appeal

1. Claims 100-119 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,185,545 to Resnick et al. (hereinafter “Resnick”) in view of U.S. Patent Application Publication No. 2002/0046255 to Moore et al. (hereinafter “Moore”).

Argument**Outline**

- I. Rejection of Claims 100-119 Under 35 U.S.C. § 103(a)
 - a. Use of the Resnick Reference in the Final Rejection of Claims 100 and 110, and the Allowability of Claims 100 and 110 in View Thereof
 - b. Allowability of Claims 101-109 and 111-119

I. Rejection of Claims 110-199 Under 35 U.S.C. § 103(a)

Claims 100-119 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Resnick in view of Moore. The Assignee respectfully submits that at least Resnick does not teach or suggest portions of claims of the present application as stated in the final Office action and the associated advisory action.

a. Use of the Resnick Reference in the Final Rejection of Claims 100 and 110, and the Allowability of Claims 100 and 110 in View Thereof

The final Office action alleges that Resnick teaches the first web-site and the account server, and their associated capabilities, as set forth in independent claims 100 and 110, by way of Figs. 3, 8 and 9A-9D, as well as column 6, lines 5-16, 37-40, and 58-62; and column 7, lines 27-39. (Page 3 of the final Office action; continuation sheet of the advisory action.) The Assignee respectfully disagrees with this allegation.

Generally, Resnick discloses a centralized system for payment of goods or services by way of an "intermediary account." (Column 2, lines 15-17.) End users of these services, such as wireless telecommunications services, deposit money into the intermediary account, typically by way of a merchant point-of-sale (POS), for the purpose of replenishing funds to be used for payment of the services. (Column 2, lines 17-34.) Electronic payments are then made from the intermediary account to the vendor of the services on behalf of the end user. (Column 2, lines 35-38.)

Resnick, however, does *not* disclose how the actual communication service is

obtained as set forth in claims 100 and 110. Resnick only discusses establishment or activation of the *intermediary account* (i.e., the *payment* account, which is separate from the end-user account with the service provider). For example, column 5, line 59, to column 6, line 47, in conjunction with Fig. 3, describes the method for establishing the intermediary account. Specifically, Resnick indicates that part of the method involves the end-user "identify[ing] the customer (carrier) and/or the end-user account number" to a customer service application 70, which "communicates with the prepaid platform 112 to confirm or validate *the account number provided by the end-user*. . . . Specifically, an account activation operation has the effect of associating the card number (the intermediary account identifier) with a selected prepaid platform (or other vendor) end-user account number." (Column 6, lines 5-16; emphasis supplied.) In other words, the end-user already *possesses the account number or code* associated with the communication service. The discussion provided at column 7, lines 27-39, reinforces this point, as it describes account validation as "a transaction to verify that an end-user account number (e.g., a cell phone number) exists in the customer database," which "is performed when the end-user account number is being associated with the payment system (intermediary) account number." (Column 7, lines 27-32.)

Thus, Resnick merely focuses on creating the intermediary account as a means of payment, and associating that account with the preexisting end-user account of the service vendor. Similarly, since the end-user already has an end-user service account number, such a first account code need not be transferred to the end-user. Oppositely, claims 100 and 110 of the present application provide that the first end user *uses the first account code* (received from the account server via the first web-site) *to obtain a first communication service* from a communication service provider. Thus, the Assignee respectfully asserts that Resnick does not teach this particular provision of claims 100 and 110.

The final Office action also indicates that "Figures 9A-D teach a series of flow charts illustrating a method for communicating authorization requests to the intermediary payment processor. This is interpreted as transferring account request to an account se[r]ver." (Pages 5 and 6 of the final Office action.) The Assignee respectfully disagrees with this characterization of Figs. 9A-9D, which provide four alternative network

configurations to that shown in Fig. 2, wherein a POS terminal 32 can communicate with a payment processor 40 to *add monetary value to an intermediary (payment) account* maintained on the processor 40. See column 4, line 28, to column 5, line 3. Thus, Figs. 9A-9D depict requests and responses regarding the adding of funds to the intermediary account, which "is not the same as the end-user account which would be maintained at the carrier's prepaid platform 112." (Column 4, lines 37-39.) Thus, the Assignee respectfully contends that neither Figs. 9A-9D nor any other portion of Resnick, illustrates a "communication account request," as set forth in claims 100 and 110.

Also, the final Office action indicates that "[c]ol. 6, lines 5-16, 37-40, 58-62 as well as col. 7, lines 27-39 teaches validating a transaction to verify that an end-user account number exists, and activating user's account after it has been confirmed or validated." (Page 7 of the final Office action.) Actually, any *validation* in Resnick is performed *on the preexisting end-user account number*, not a first web-site, as set forth in claims 100 and 110 of the present application. (See column 7, lines 27-32, of Resnick.) In the present invention, the validation of the first web-site in the account server causes the server to select a first account code for the first end-user, and transfer the code over the Internet to the first web-site, as set forth in claims 100 and 110, unlike Resnick.

Also, the web-site discussed in Resnick at column 6, lines 37-39 and 58-62, is a web-site which is "non-public," as it is accessed by a customer service representative of a carrier, not an end-user. Column 6, lines 28-47. Thus, Resnick does not teach or suggest "in a first one of the web-sites, interacting with *a first one of the end-users* over the Internet," as provided for in claims 100 and 110.

Thus, based on the foregoing, Resnick's method does not teach or disclose "*in a first one of the web-sites, interacting with a first one of the end-users over the Internet, and in response, transferring a first communication account request over the Internet to an account server,*" and "*in the account server, validating the first web site in response to receiving the first communication account request,*" and "*in the first web-site, transferring the first account code over the Internet to the first end-user, wherein the first end user uses the first account code to obtain a first communication service from a service provider,*" as provided for in claim 100 (emphasis supplied). Independent claim 110 incorporates similar limitations. Thus, the Assignee respectfully contends that

Resnick does not teach or suggest at least these particular provisions of claims 100 and 110.

b. Allowability of Claims 101-109 and 111-119

Claims 101-109 depend from independent claim 100, and claims 111-119 depend from independent claim 110. Therefore, claims 101-109 and 111-119 incorporate the provisions of their corresponding independent claims. Thus, the Assignee respectfully asserts claims 101-109 and 111-119 are allowable for at least the reasons provided above with respect to claims 100 and 110.

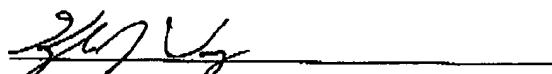
Conclusion

In light of the foregoing remarks, the Assignee submits that the final rejections of claims 110-119 are erroneous, and respectfully requests their reversal.

The Office is hereby authorized to charge Deposit Account No. 21-0765 the requisite fee (37 C.F.R. 41.37(a)(2) and 41.20(b)(2)) for this appeal brief and the corresponding notice of appeal. The Assignee believes that no additional fees are due with respect to this filing. However, should the Office determine that additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765.

Respectfully submitted,

Date: 10/6/05



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Claims Appendix

The following is a list of claims involved in this appeal:

100. A method of providing communication accounts to end-users from a plurality of web sites, the method comprising:

 in a first one of the web-sites, interacting with a first one of the end-users over the Internet, and in response, transferring a first communication account request over the Internet to an account server;

 in the account server, validating the first web site in response to receiving the first communication account request, selecting a first account code for the first end-user in response to validating the first web site, and transferring the first account code over the Internet to the first web site;

 in the first web-site, transferring the first account code over the Internet to the first end-user, wherein the first end user uses the first account code to obtain a first communication service from a communication service provider;

 in a second one of the web-sites, interacting with a second one of the end-users over the Internet, and in response, transferring a second communication account request over the Internet to the account server;

 in the account server, validating the second web site in response to receiving the second communication account request, selecting a second account code for the second end-user in response to validating the second web site, and transferring the second account code over the Internet to the second web site; and

 in the second web-site, transferring the second account code over the Internet to the second end-user, wherein the second end user uses the second account code to obtain a second communication service from the communication service provider.

101. The method of claim 100 wherein the communication service comprises a prepaid communication service.
102. The method of claim 100 wherein the communication service comprises a wireless communication service.
103. The method of claim 100 wherein the communication service comprises an Internet access service.
104. The method of claim 100 wherein the first account code comprises a Personal Identification Number (PIN).
105. The method of claim 100 wherein the first account code comprises a password.
106. The method of claim 100 wherein the first communication account request identifies the first end-user and the second communication account request identifies the second end-user.
107. The method of claim 100 wherein the first communication account request identifies a first monetary amount and the second communication account request identifies a second monetary amount.
108. The method of claim 100 further comprising, in the account server, selecting a first monetary amount for the first account code and selecting a second monetary amount for the second account code.
109. The method of claim 100 further comprising, in the account server, selecting a first time amount for the first account code and selecting a second time amount for the second account code.

110. A system to provide communication accounts to end-users, the system comprising:

 a first web-site configured to interact with a first one of the end-users over the Internet, and in response, to transfer a first communication account request over the Internet to an account server;

 a second web-site configured to interact with a second one of the end-users over the Internet, and in response, transfer a second communication account request over the Internet to the account server;

 the account server configured to validate the first web site in response to receiving the first communication account request, select a first account code for the first end-user in response to validating the first web site, transfer the first account code over the Internet to the first web site, validate the second web site in response to receiving the second communication account request, select a second account code for the second end-user in response to validating the second web site, and transfer the second account code over the Internet to the second web site;

 the first web-site further configured to transfer the first account code over the Internet to the first end-user, wherein the first end user uses the first account code to obtain a first communication service from a communication service provider; and

 the second web-site further configured to transfer the second account code over the Internet to the second end-user, wherein the second end user uses the second account code to obtain a second communication service from the communication service provider.

111. The system of claim 110 wherein the communication service comprises a prepaid communication service.

112. The system of claim 110 wherein the communication service comprises a wireless communication service.

113. The system of claim 110 wherein the communication service comprises an Internet access service.

114. The system of claim 110 wherein the first account code comprises a Personal Identification Number (PIN).
115. The system of claim 110 wherein the first account code comprises a password.
116. The system of claim 110 wherein the first communication account request identifies the first end-user and the second communication account request identifies the second end-user.
117. The system of claim 110 wherein the first communication account request identifies a first monetary amount and the second communication account request identifies a second monetary amount.
118. The system of claim 110 wherein the account server is further configured to select a first monetary amount for the first account code and select a second monetary amount for the second account code.
119. The system of claim 110 wherein the account server is further configured to select a first time amount for the first account code and select a second time amount for the second account code.

Evidence Appendix

No other evidence has been submitted by the Assignee or entered by the Examiner.

Related Proceedings Appendix

There are no prior or pending related appeals or interferences.